

UNITED STATES DISTRICT COURT

Middle DISTRICT OF Tennessee

UNITED STATES OF AMERICA  
V.

TIMOTHY RYAN RICHARDS  
1880 Johnson Road  
Clarksville, Tennessee

(Name and Address of Defendant)

CRIMINAL COMPLAINT

Case Number: 09-2123

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about November 1, 2009 in Montgomery County, in the Middle District of Tennessee defendant(

(Track Statutory Language of Offense)  
knowingly received and possessed firearms -- to wit, (1) a Saber, 5.56mm caliber rifle having a barrel of less than sixteen inches in length; and (2) a Swedish K, .45 caliber machinegun as defined in Title 26, United States Code, Section 5845(b) -- which were not registered to him in the National Firearms Registration and Transfer Record

in violation of Title 26 United States Code, Section(s) 5841, 5861(d), and 5871.  
I further state that I am a(n) Special Agent, ATF and that this complaint is based on the following facts:

See attached Statement in Support of Criminal Complaint incorporated herein.

Continued on the attached sheet and made a part of this complaint:

Yes  No

Signature of Complainant

Jamie M. Smith, Special Agent, ATF

Printed Name of Complainant

Sworn to before me and signed in my presence,

11/2/2009  
Date

at

Nashville

Tennessee

City

State

E. CLIFTON KNOWLES  
Name of Judge

U.S. MAGISTRATE  
Title of Judge

Signature of Judge

**STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Jamie M. Smith, being first duly sworn on oath, states as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been employed as an ATF Special Agent for approximately four years.

2. This affidavit is submitted in support of a Criminal Complaint for the arrest of TIMOTHY RYAN RICHARDS, for the following offense: Possession of Unregistered Firearms. On or about November 1, 2009, in the Middle District of Tennessee, TIMOTHY RYAN RICHARDS knowingly received and possessed firearms -- to wit, (1) a Saber XR-15, 5.56mm caliber rifle having a barrel of less than sixteen inches in length; and (2) a Swedish K, .45 caliber machinegun as defined in Title 26, United States Code, Section 5845(b) -- which were not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

3. The following information contained in this affidavit is based on my training and experience, my personal participation in this investigation, and information provided to me by other law enforcement officials. Where conversations are related herein, they are related in substance and in part. Not all of the facts of the investigation known to me are contained herein, only those necessary to establish probable cause for the arrest of TIMOTHY RYAN RICHARDS.

4. On November 1, 2009, members of the Montgomery County Sheriff's Office (MCSO) responded to a report of possible military C-4 explosives stored in the woods adjacent to 1919 Gholson Road in Clarksville, in the Middle District of Tennessee. The report came from two individuals who had been in the woods and discovered what they believed to be C-4 explosives located in water-tight cases partially buried in the ground. After making this discovery, they contacted the MCSO. Upon arriving at the scene, MCSO bomb technicians confirmed that the material was C-4 military explosives. The explosives were stored in several water-tight cases which were left in a hole at the rear of the residence located at 1880 Johnson Road, in Clarksville, Tennessee. 1880 Johnson Road is a 19.2-acre parcel of land that abuts the property located at 1919 Gholson Road.

5. On the same date, an ATF agent made contact with the owner of 1880 Johnson Road, Timothy Ryan Richards, to obtain consent to search the rear of his property where the explosives were located. Richards provided consent and offered to accompany agents and officers to the location. Richards informed the ATF agent that his fingerprints would be on the explosives. Richards further admitted that he had placed the explosives at the rear of the property. After being verbally advised of his *Miranda* rights, Richards repeated that he placed the explosives in the location where they were found. He estimated that there were approximately 100 pounds of explosive materials, including C-4 explosives, concealed in water-tight cases. Agents subsequently recovered approximately 100 pounds of explosive materials.

6. On November 1, 2009, an ATF agent obtained consent from Timothy Ryan Richards to search his residence located at 1880 Johnson Road. During an ensuing search, agents first

recovered a Saber XR-15, short-barreled, 5.56mm caliber rifle with a barrel length of approximately 10 inches. And second, agents recovered a Swedish K, .45 caliber machinegun. The rifle found is a rifle as defined in Title 26, United States Code, Section 5845(c). An ATF agent field tested the Swedish K, .45 caliber machinegun and determined that its operation was consistent with that of a firearm capable of firing fully automatically. Additionally, Richards stated that the machinegun is capable of firing fully automatically. Thus, the machine gun is a machinegun as defined in Title 26, United States Code, Section 5845(b).

7. Richards admitted in sum and substance to agents that he possessed both firearms.

8. Based on the stated approximately length of the Saber XR-15 rifle barrel – approximately 10 inches and thus less than 16 inches, said firearm is a firearm as defined by Title 26, United States Code, Section 5845(a). The machinegun is also a firearm as defined by Title 26, United States Code, Section 5845(a). Both must, therefore, be registered in the National Firearms Registration and Transfer Record (NFRTR). An ATF agent contacted the ATF National Firearms Act (NFA) Branch to determine whether RICHARDS had any firearms registered to him in the NFRTR as required by law. The NFA Branch is the central registry of all NFA firearms in the United States. An NFA Specialist determined, upon investigation, that RICHARDS does not have any firearm registered to him in the NFRTR.

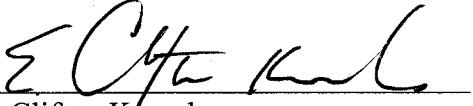
9. All of the described events occurred in the Middle District of Tennessee.

10. Based on the aforementioned information, your affiant believes probable cause exists that TIMOTHY RYAN RICHARDS has committed a violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

Further Affiant sayeth not.

  
\_\_\_\_\_  
Jamie M. Smith  
Special Agent  
Bureau of Alcohol, Tobacco and Firearms

Subscribed and Sworn to  
before me this 2nd day of November 2009.

  
\_\_\_\_\_  
E. Clifton Knowles  
United States Magistrate Judge  
Middle District of Tennessee